

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

WAMEL ALLAH,

Plaintiff,

v.

ORDER
04-CV-868

C.O. CRAIG YACKEREN,

Defendant.

This case was referred to Magistrate Judge Hugh B. Scott pursuant to 28 U.S.C. § 636(b)(1). On June 21, 2006, defendant filed a motion for summary judgment. On September 28, 2006, Magistrate Judge Scott filed a Report and Recommendation, recommending that defendant's motion for summary judgement be granted and the action be dismissed.

Plaintiff filed objections to the Report and Recommendation on October 5, 2006. Defendant filed a response thereto on October 26, 2006.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendant's motion for summary judgement is granted and the Clerk of Court is directed to take all steps to close this case.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: October 31 , 2006